

In re Patent Application of

Atty Dkt. 2551-58  
C# M#

JANNES et al

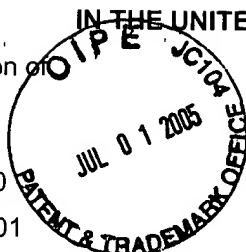
TC/A.U. 1648

Serial No. 09/787,000

Examiner: Foley

Filed: March 13, 2001

Date: July 1, 2005

Title: IDENTIFICATION OF MICROORGANISMS CAUSING ACUTE RESPIRATORY  
TRACT INFECTIONS (ARI)**Mail Stop Petitions**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST TO WITHDRAW HOLDING OF ABANDONMENT OF JUNE 23, 2005, DUE TO NON-RECEIPT OF OFFICE ACTION DATED JULY 27, 2004**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☒ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number  
previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 0 minus highest number  
previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add

\$360.00 (1051)/\$180.00 (2051) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this

paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)

Two Month Extensions \$450.00 (1252)/\$225.00 (2252)

Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)

Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$

Terminal disclaimer enclosed, add

\$130.00 (1814)/ \$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee

\$180.00 (1806) \$

Assignment Recording Fee

\$40.00 (8021) \$

Other:

\$

**TOTAL FEE ENCLOSED \$ 0.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor  
Arlington, Virginia 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
BJS:

NIXON &amp; VANDERHYE P.C.

By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

JANNES et al

Atty. Ref.: 2551-58; Confirmation No. 1152

Appl. No. 09/787,000

TC/A.U. 1648

Filed: March 13, 2001

Examiner: Foley

For: IDENTIFICATION OF MICROORGANISMS CAUSING ACUTE RESPIRATORY  
TRACT INFECTIONS (ARI)

\* \* \* \* \*

July 1, 2005

**Mail Stop Petitions**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**REQUEST TO WITHDRAW HOLDING OF ABANDONMENT OF JUNE 23, 2005, DUE  
TO NON-RECEIPT OF OFFICE ACTION DATED JULY 27, 2004**

The present paper and attached docket sheet are being filed pursuant to the procedures described in MPEP § 711.03(c)(I)(A.). The Office is requested to withdraw the holding of abandonment mailed June 23, 2005 as the Office Action allegedly mailed 27 July 2004 (see, attached copy of Notice of Abandonment mailed June 23, 2005) was not received by the undersigned. Attached is a copy of the undersigned's firm docket sheet from October 27, 2004, where a three month action mailed July 27, 2004, would have been docketed, as evidence of non-receipt of the Office Action indicated by the Examiner to have been mailed July 27, 2004. This evidence presumes the Office

JANNES et al  
Appl. No. 09/787,000  
July 1, 2005

**REQUEST TO WITHDRAW HOLDING OF ABANDONMENT OF June 23, 2005, DUE  
TO NON-RECEIPT OF OFFICE ACTION DATED July 27, 2004**

Action allegedly mailed July 27, 2004, had a three month due date. Further evidence can be submitted as may be required by the Office if the Office Action had a different due date.

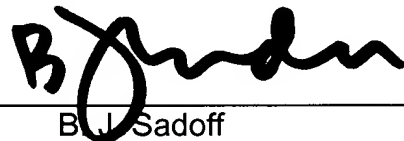
Withdrawal of the Notice of Abandonment and a copy of the Office Action allegedly mailed July 27, 2004, are requested with the date for responding to the Office Action being re-set from the new mailing date.

The Office is authorized by the attached transmittal sheet to charge the undersigned's Deposit Account for any missing or deficient fees required for consideration of the present paper.

The present paper is addressed to Mail Stop Petitions as the above-noted MPEP Section refers to this paper as a Petition. The Office is requested to direct the present paper to the appropriate party in the Office if other than the Petitions Office.

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



B.J. Sadoff  
Reg. No. 36,663

BJS:  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

OCTOBER 27, 2004

| ATTY | CLT/MAT             | SERIAL NO.             | DESCRIPTION                  | DONE?                      |
|------|---------------------|------------------------|------------------------------|----------------------------|
| JSD  | <del>923-1045</del> | <del>91718 524</del>   | <del>Rest (5th apt)</del>    | <del>Aband.</del>          |
| JHN  | <del>3459-69</del>  | <del>101642 606</del>  | <del>Rest (5th apt)</del>    | <del>5-3</del>             |
| RGB  | <del>839-1097</del> | <del>101195 210</del>  | <del>Rest (5th apt)</del>    | <del>5-12</del>            |
| MTW  | <del>39-222</del>   | <del>91763 226</del>   | <del>6 mo Resp I.F.R.</del>  | <del>allowed</del>         |
| WFC  | <del>4220-129</del> | <del>101210-124</del>  | <del>6 mo Resp I.F.R.</del>  | <del>NOA 10/27</del>       |
| RAM  | <del>2220-72</del>  | <del>91243 510</del>   | <del>6 mo Resp I.F.R.</del>  | <del>not a final</del>     |
| ARC  | <del>612-59</del>   | <del>101127 221</del>  | <del>6 mo Resp I.F.R.</del>  | <del>And file 10/26</del>  |
| WFC  | <del>4220-129</del> | <del>101210-124</del>  | <del>6 mo Resp I.F.R.</del>  | <del>allowed</del>         |
| SSS  | <del>124-922</del>  | <del>101049 067</del>  | <del>6 mo Resp</del>         | <del>NOA 10/27</del>       |
| JAR  | <del>2080-178</del> | <del>91617 818</del>   | <del>6 mo Resp</del>         | <del>9/27</del>            |
| LCM  | <del>3652-40</del>  | <del>101419 108</del>  | <del>6 mo Resp I.F.R.</del>  | <del>9-23</del>            |
| FP   | <del>2955-127</del> | <del>76/519, 011</del> | <del>SOu on 1" EXT.</del>    | <del>allowed</del>         |
| FAI  | <del>2955-128</del> | <del>76/519, 023</del> | <del>SOu on 1" EXT.</del>    | <del>ROLL</del>            |
| DSB  | <del>937-1371</del> | <del>76/303, 519</del> | <del>SOu on 1" EXT.</del>    | <del>ROLL</del>            |
| FP   | <del>2955-128</del> | <del>76/138, 866</del> | <del>SOu on 1" EXT.</del>    | <del>drop</del>            |
| FP   | <del>3101-182</del> | <del>76/190, 041</del> | <del>SOu on 1" EXT.</del>    | <del>failed</del>          |
| DSB  | <del>4313-3</del>   | <del>76/506, 217</del> | <del>TM 6 mo Resp</del>      | <del>transferred out</del> |
| DSB  | <del>141-326</del>  | <del>76/452, 086</del> | <del>TM 6 mo Resp</del>      | <del>10-27</del>           |
| DSB  | <del>1680-84</del>  | <del>76/452, 035</del> | <del>TM 6 mo Resp</del>      | <del>Deduct</del>          |
| DSB  | <del>141-327</del>  | <del>76/452, 035</del> | <del>TM 6 mo Resp</del>      | <del>9-3-04</del>          |
| SCS  | <del>540-409</del>  | <del>76/409, 802</del> | <del>TM 6 mo Resp</del>      | <del>10-15-01</del>        |
| DSB  | <del>4313-2</del>   | <del>76/506, 516</del> | <del>TM 6 mo Resp</del>      | <del>7-27</del>            |
| LSN  | <del>3712-6</del>   | <del>091693, 899</del> | <del>Issue Fee + 10-21</del> | <del>10-27</del>           |
| LSN  | <del>2018-752</del> | <del>101638, 492</del> | <del>Issue Fee + 10-21</del> | <del>10-21</del>           |
| BHO  | <del>1769-95</del>  | <del>091941, 665</del> | <del>Issue Fee + 10-21</del> | <del>5-9</del>             |
| SCS  | <del>540-180</del>  | <del>091466, 879</del> | <del>Issue Fee + 10-21</del> | <del>Drop M BHD</del>      |
| SCS  | <del>124-1051</del> | <del>101408, 377</del> | <del>3 mo Resp</del>         | <del>5-8</del>             |
| AmK  | <del>4251-2</del>   | <del>101221, 839</del> | <del>3 mo Resp</del>         | <del>PM</del>              |
| LSN  | <del>2635-157</del> | <del>101397, 399</del> | <del>3 mo Resp</del>         | <del>ROLL</del>            |
| LSN  | <del>2018-516</del> | <del>101081, 239</del> | <del>3 mo Resp</del>         | <del>1026</del>            |
| RYM  | <del>2018-680</del> | <del>101361, 866</del> | <del>3 mo Resp</del>         | <del>1021</del>            |
| JAN  | <del>2587-15</del>  | <del>101038, 165</del> | <del>3 mo Resp (P2)</del>    | <del>ROLL</del>            |
| MTW  | <del>2635-166</del> | <del>101621, 498</del> | <del>3 mo Resp</del>         | <del>1026</del>            |
| MTW  | <del>2051-56</del>  | <del>101286, 810</del> | <del>3 mo Resp</del>         | <del>ROLL</del>            |
| MTW  | <del>7034-4</del>   | <del>091985, 805</del> | <del>3 mo Resp</del>         | <del>ROLL</del>            |
| LCM  | <del>47-186</del>   | <del>101332, 801</del> | <del>3 mo Resp</del>         | <del>ROLL</del>            |

**OCTOBER 27, 2004**

| ATTY           | CLT/MAT             | SERIAL NO.            | DESCRIPTION                             | DONE?              |
|----------------|---------------------|-----------------------|---|--------------------|
| <del>LSU</del> | <del>2018-739</del> | <del>101606,942</del> | <del>3 mo Resp.</del>                   | <del>10/1/19</del> |
| <del>ARC</del> | <del>299-263</del>  | <del>10158,106</del>  | <del>3 mo Resp (F2)</del>               | <del>10-26</del>   |
| <del>HUB</del> | <del>2380-280</del> | <del>09/854,846</del> | <del>Issue Fee + 0.11% + Art. Fee</del> | <del>10-26</del>   |
| <del>GRF</del> | <del>117-399</del>  | <del>101168,796</del> | <del>Issue Fee + 0.11% + Art. Fee</del> | <del>9.30</del>    |
| <del>LSU</del> | <del>2018-710</del> | <del>101435,468</del> | <del>3 mo Resp.</del>                   | <del>10-26</del>   |
| <del>BHD</del> | <del>1632-12</del>  | <del>101671,604</del> | <del>3 mo Resp</del>                    | <del>10-26</del>   |
| <del>LSU</del> | <del>2018-711</del> | <del>101440,126</del> | <del>3 mo Resp.</del>                   | <del>10-26</del>   |
| <del>UMB</del> | <del>4062-61</del>  | <del>101392,326</del> | <del>3 mo Resp</del>                    | <del>10-26</del>   |
| <del>PTB</del> | <del>4398-365</del> | <del>291209,939</del> | <del>Decl.</del>                        | <del>9-25</del>    |
| <del>HUB</del> | <del>1038-513</del> | <del>101887,368</del> | <del>Decl.</del>                        | <del>10-22</del>   |
| <del>HUB</del> | <del>4409-3</del>   | <del>101890,517</del> | <del>Decl.</del>                        | <del>9.10</del>    |
| <del>ARC</del> | <del>912-37</del>   | <del>101466,078</del> | <del>5 MO Resp</del>                    | <del>10-21</del>   |
| <del>MNL</del> | <del>2465-353</del> | <del>101601,545</del> | <del>5 MO Resp</del>                    | <del>10-7</del>    |
| <del>MTW</del> | <del>39216</del>    | <del>91395,976</del>  | <del>5 MO Resp</del>                    | <del>ROLL</del>    |
| <del>BJS</del> | <del>620-244</del>  | <del>101267,206</del> | <del>5 mo Resp.</del>                   | <del>ROLL</del>    |
| <del>BJS</del> | <del>2824-226</del> | <del>091996,776</del> | <del>5 mo Resp (F2)</del>               | <del>ROLL</del>    |
| <del>SCS</del> | <del>124-1036</del> | <del>101415,960</del> | <del>5 MO RESP</del>                    | <del>10-20</del>   |
| <del>ARC</del> | <del>249-190</del>  | <del>91936,163</del>  | <del>1 MO Resp &amp; Resp</del>         | <del>10-14</del>   |
| <del>MNL</del> | <del>3835-6</del>   | <del>101483,834</del> | <del>Declaration (F)</del>              | <del>0.015</del>   |
| <del>FPP</del> | <del>4014-T1</del>  | <del>751339,924</del> | <del>Sec 8-15 De</del>                  | <del>10-27</del>   |



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/787,000      | 03/13/2001  | Geert Jannes         | 2752-33             | 1152             |

23117 7590 06/23/2005

NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203



EXAMINER

FOLEY, SHANON A

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1648

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



# **Notice of Abandonment**

|                 |               |  |
|-----------------|---------------|--|
| Application No. | Applicant(s)  |  |
| 09/787,000      | JANNES ET AL. |  |
| Examiner        | Art Unit      |  |
| Shanon Foley    | 1648          |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 27 July 2004.
  - ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - ☒ A reply was received on 18 August 2004 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☒ The reason(s) below:

The response filed 18 August 2004 requests reconsideration of a reconsidered petition decision rendered June 18, 2004. However, there is no response to the non-final Office action mailed 27 July 2004. Since the statutory period for reply expired October 27, 2004, this application is abandoned.

Shanon Foley  
Primary Examiner  
Art Unit: 1648

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.